

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

July 25, 2008

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.:07KD-192

Kauai

Grant of Perpetual, Non-Exclusive Easement to Hawaiian Telcom, Inc. for Utility Purposes and Issuance of an Immediate Right-of -Entry Permit for Planning and Construction Purposes, Weliweli, Koloa, Kauai, Tax Map Key: (4) 2-8-22: portion 6 and 14.

APPLICANT:

Hawaiian Telcom, Inc., Hawaii corporation whose business and mailing address is 1177 Bishop Street, Honolulu, Hawaii 96813.

LEGAL REFERENCE:

Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Weliweli, situated at Koloa, Kauai, identified by Tax Map Key: (4) 2-8-22: portion of 06 and 14, as shown on the attached map labeled Exhibit A.

AREA:

Easement 14 = 1256 Square Feet  
Easement 15 = 5016 Square feet

ZONING:

State Land Use District: Urban  
County of Kauai CZO: Urban

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by General Lease No. S-5381, Tony T. Brun, Lessee, for pasture purposes.  
Lease to expire on December 31, 2030.

Encumbered by Governor's Executive Order No. 3138, issued to the County of Kauai for  
Weliweli Park.

Encumbered by Grant of Easement bearing Land Office Deed No. S-27010, issued to  
Citizens Utilities Company for electric transmission line purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain, repair, replace and remove  
telecommunication transmission lines, poles, guy wires and anchors over, under and  
across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraisal establishing fair  
market rent, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement  
Exemption List", approved by the Environmental Council and dated April 28, 1986, the  
subject request is exempt from the preparation of an environmental assessment pursuant to  
Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures,  
facilities, equipment or topographical features involving negligible or no expansion or  
change of use beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine initial one-time payment; and
- 2) Obtain written concurrence from encumbrances.

REMARKS:

The Department in 1978 issued Grant of Easement to Citizens Utilities Company covering 2 easements. Easement 14 over and across Lot B and Easement 15 over and across Lot A-100 as shown on Land Court Application 1188, (Map 5).

To provide better communication services to the future Poipu Aina Estates Development (tmk; 2-8-22:2), Hawaiian Telcom Inc. plans to attach their communication cable to the existing Citizen Utility Company poles located within Easements 14 and 15.

Comments were solicited from various State and County agencies:

Department of Health: No comments

Department of Transportation: No objection

DLNR Historic Preservation: Archaeological monitoring shall take place during all construction work due to the high probability of historic properties in the area. An approved archaeological monitoring plan shall be submitted to the State Historical Preservation Division. A draft monitoring report shall be Submitted 90 days after the completion of fieldwork for review and approval to the State Historical Preservation Division.

Office of Hawaiian Affairs: Consideration must be at fair market value.

County Planning Department: No objections

County Parks & Recreation: No comments

County Public Works: We recommend comments be solicited from the Department of Parks and Recreation since the grant of easement affects the County's Weliweli Park. Easement 14 and Easement 15 are not continuous. Parcel 11 (privately owned) separates Easement 14 and 15. We believe an easement needs to be obtained over Parcel 11 (privately owned). A copy of the approved Land Court map if amended shall be provided for our files.

County Department of Water: We have no objections, but request that Hawaiian Telcom, Inc. be made aware that there is a waterline running through tmk: (4) 2-8-22:11 (privately owned). We recommend that Hawaiian Telcom, Inc contact the DOW Engineer Division at (808) 245-5411 for any proposed utility work on Parcel 11.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board:


1. Declare that, after considering the potential effects of the proposed disposition as

provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

2. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Hawaiian Telcom, Inc. covering the subject area for telecommunication purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of an immediate right of entry to Hawaiian Telcom Inc., its employee, agents and/or contractor covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



 Marven Mikasa  
Land Agent

APPROVED FOR SUBMITTAL:

  
Laura H. Thielen, Chairperson

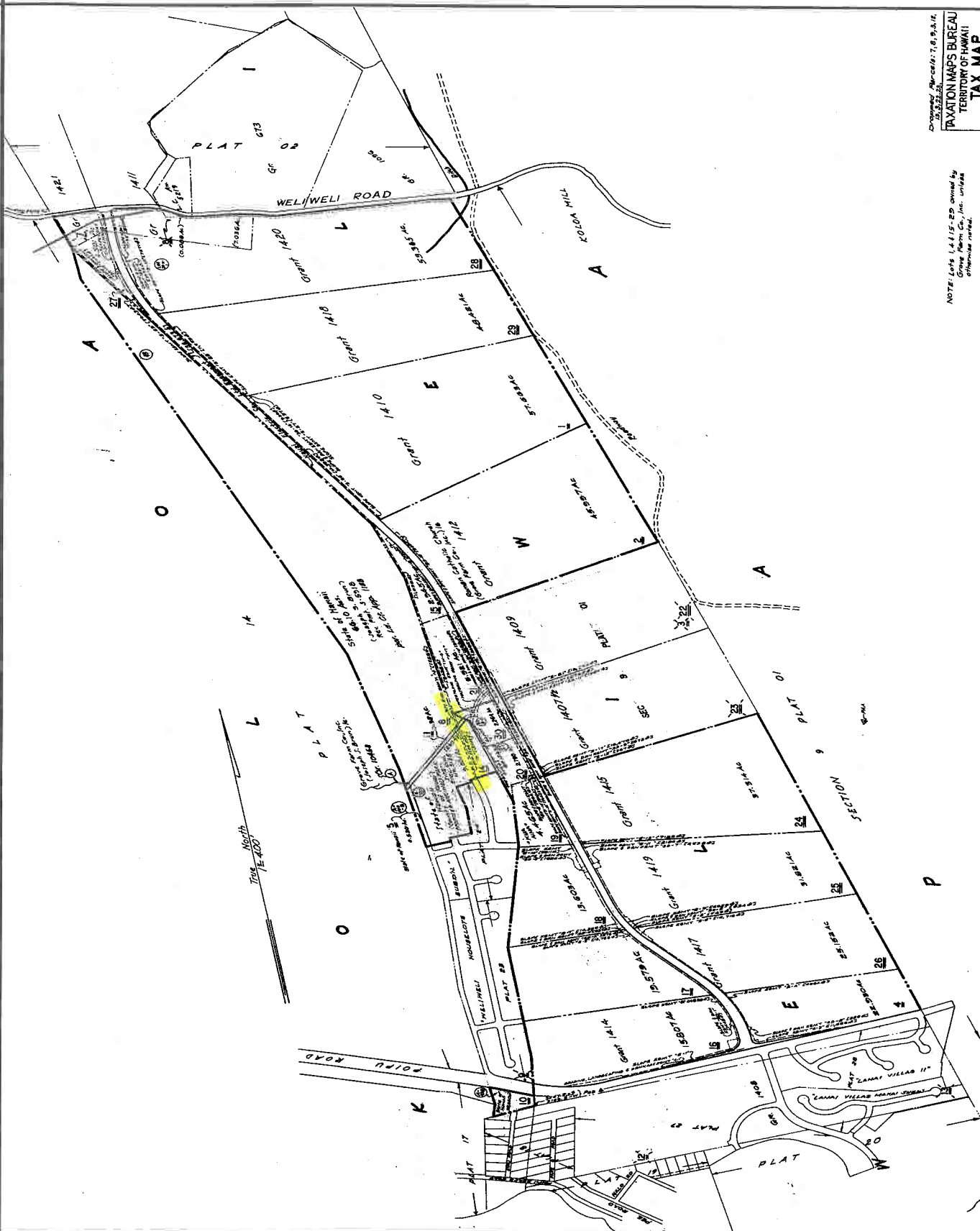
TAXATION MAPS BUREAU  
TERRITORY OF HAWAII  
TAX MAP

FOURTH	DIVISION	
ZONE	SEC.	PLAT
2	8	22
CONTAINING 2 PARCELS		
SCALE: 1 in. = 400 ft.		

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NOTE: Lots 1, 4 & 15-29 owned by  
Grove Farm Co., Inc. unless  
otherwise noted.

**SUBJECT TO CHANGE**



PORTION OF WELIWELI (Makai) KOLOA, KAUAI.

Exhibit A

DWG. No. 5048  
 Location Maps Bureau  
 D.S.C. A.L. Oct 1936

TRUE NORTH  
SCALE: 1 in. = 100 ft.

GRANT 10458  
PARCEL A  
TO THE KOLOA  
SUGAR CO.

LOT B  
(Map 1)

EASEMENT 14 (10 ft. wide)  
for Electrical Transmission  
purposes

EASEMENT 15 (10 ft. wide)  
for Electrical Transmission  
purposes

A-100  
(Map 2)

A-56

APPLICATION

COURT

LAND

TO KALOIA

GRANT 10458  
PARCEL A SUGAR CO.  
TO THE KOLOA

LOT 10

LOT 10

LOT 10

LOT 10

LOT 10

LOT 10

LOT 10

LOT 10

LOT 10

LOT 10

INSET

Exhibit A

LAND

STATE C

LAND COURT

DESIGNATION OF THE

EASEMENT 14 OVER 21

AS SHOWN ON

EASEMENT 15 OVER 21

AS SHOWN ON

AT WELWELI, KONA



PUHI, KAUAI, HAWAII  
May 5, 1971

OWNER: STATE OF HAWAII